

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: Search Warrant Executed on
November 5, 2021

Case No.: 21 Misc. 813 (AT)

In re Search Warrant Executed on
November 3, 2021

Case No.: 21 Misc. 819 (AT)

In re Search Warrant Executed on
November 3, 2021

Case No.: 21 Misc. 825 (AT)

SPECIAL MASTER ORDER

By Order dated December 8, 2021 (the “Order”), the Court appointed me as Special Master in each of the above-captioned matters to determine what materials seized by the Government are responsive to the search warrants, as well as to rule on any privilege objections raised by the parties following review of responsive materials by the Government’s filter team.

I. Background

As described in my report filed with the Court on March 7, 2022, I have so far determined that a total of 155 items are responsive to the Government’s search warrants. The Order provides that the filter team is to “conduct a review of the responsive materials to determine if any should be withheld from the investigative team on any grounds – including grounds related to any First Amendment concerns, journalistic privileges, and attorney-client privileges.” Order at 4. I understand that the filter team has completed its review of the first 155 items released and has determined that there is no basis for any to be withheld from the investigative team. I further understand that Petitioners wish to raise objections to the filter team’s determinations.

II. **Procedures For Raising Objections**

There is a dispute between Petitioners and the Government over the procedures by which objections to the filter team's determinations will be presented to me and resolved. The parties have submitted letter briefs to me regarding their respective positions, which reveal two principal areas of disagreement: (1) whether I should complete the responsiveness review before the parties present their objections to me; and (2) whether the Government's investigative team should be involved in the process of resolving Petitioners' objections.

Having carefully considered the parties' positions the following procedures shall govern the process for raising and resolving Petitioners' objections:

1. I find it is not necessary that my responsiveness review of device 1B61, and any other device subsequently provided to me by the Government, be completed before Petitioners raise their objections regarding materials that have been released to date.
2. With respect to the 155 items reviewed thus far by the filter team, Petitioners shall submit their objections to me on an *ex parte* basis on or before March 18, 2022. For any materials I deem responsive at a later date, Petitioners may lodge supplemental objections 7 days after the filter team completes its review.
3. Should I require information or legal analysis to assist me in resolving Petitioners' objections I may confer with the parties or ask for additional written submissions. The Government's investigative team shall not participate in that process if the resolution of Petitioners' objections requires disclosure to the investigative team of any particular seized document or materials or description of their content. In such case, I will seek only the filter team's involvement and no documents or materials or descriptions of their content will be provided to the

investigative team.

4. Once I have resolved Petitioners' objections I will submit my determinations to the Court in a Report and Recommendation.

Dated: New York, New York
March 14, 2022



HON. BARBARA S. JONES (Ret.)